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09/630,659	08/01/2000	Takeshi Misawa	1982-0155P	6231

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/630,659

Applicant(s)

MISAWA, TAKESHI

Examiner

LUONG T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 8, 13, 17 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-12, 14-16, 18-20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's election of Species I, illustrated in Figs. 1A-8B and 15, which reads on claims 1-7, 9-12, 14-20 in the reply filed on 5/17/2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 8, 13 and 21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/17/2004.
3. Claim 17 is withdrawn from consideration by the Examiner because claim 17 recites the limitation "a second display device" and "the step of displaying range information includes displaying the main image on one display device and the sub-image on the other display device," which read on Figure 9B (Species II). Species II is a non-elected Species. Therefore, claim 17 is withdrawn from consideration by the Examiner.

Response to Arguments

4. Applicant's arguments with respect to claims 1-7, 9-12, 14-16, 18-20 and newly added 22-24 filed on 11/10/2004 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 9-10, 14, 16, 18-19, 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Bernhardt et al. (US 6,496,208).

Regarding claim 1, Bernhardt et al. discloses an image display apparatus, comprising:

(a) a memory device having circuitry disposed therein for electronic storage and retrieval of information (system memory 122, figure 6, column 7, line 43 through column 8, line 14);

(b) a display device having a display panel and circuitry for electronically displaying information on the display panel (monitor 147, figure 6, column 8, line 25-28);

(c) a display control device (processing unit 121, figure 6, column 8, lines 20-30) electronically connected to the memory device and the display device, the display control device having electronic program logic, which when information is stored in the memory device representing an image, is operable for causing display control device to retrieve the stored information and display a portion of the image (portion 40, figure 5) represented by the stored information as a main image (main image 18b, figure 5) on the display panel and range information (portion 40 on entire image 18, figure 5) indicating the portion of the image displayed relation to an entire image represented by the stored information.

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Regarding claim 9, Bernhardt et al. discloses a designation device (input devices, figure 6, column 8, lines 17-30), a magnification size (a thumb portion 40 of the tree 18 is displayed full sized represented by portion 18a on window 30, figure 4, column 4, lines 51-65).

Regarding claim 10, Bernhardt et al. discloses wherein said stored information was read from an information storage medium and stored in said memory device (column 4, lines 10-13).

Claim 14 is a method claim of apparatus claim 1, therefore, see Examiner's comments regarding claim 1.

Regarding claim 16, Bernhardt et al. discloses displaying the range information as a sub-image (thumbnail window 31, figure 4), which is smaller than the main image (full size representation of portion 18a displayed on window 30, figure 4), wherein the sub-image displays the entire image that the stored information represents, sized to fit within the sub-image (figure 4, column 4, lines 51-67).

Regarding claim 18, claim 18 is a method claim of apparatus claim 9, therefore, see examiner's comments given in claim 9.

Regarding claim 19, Bernhardt et al. discloses the step of displaying an image represented by image information read from an information storage medium and stored in

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said memory device (column 4, lines 10-13).

Regarding claim 22, Bernhardt et al. discloses a designation device (input devices, figure 6, column 8, lines 17-30) functionally coupled to the display control device, for controlling what portion of the image is displayed.

Regarding claim 23, Bernhardt et al. discloses the controlling includes specifying the magnification of the displayed image (a thumb portion 40 of the tree 18 is displayed full sized represented by portion 18a on window 30, figure 4, column 4, lines 51-65).

Regarding claim 24, Bernhardt et al. discloses the controlling includes specifying the portion of the image to the displayed (portion 40, figures 4, 5).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-3, 12, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernhardt et al. (US 6,496,208) in view of Bullock et al. (US 5,943,050).

Regarding claim 2, Bernhardt et al. fails to specifically disclose the stored information in said memory device is image information outputted from a photography device, wherein the

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photography device produces the image information from optical information. However, Bullock et al. teaches the image captured by digital camera 118 (photography device) is stored on the memory of the notebook personal computer 100 (figure 1, column 5, lines 22-30, column 6, lines 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Bernhardt et al. by the teaching of Bullock et al. in order to provide an intuitive, object-oriented user interface to control an image capture device (column 1, lines 44-46).

Regarding claim 3, Bernhardt et al. fails to specifically disclose the stored information in said memory device is image information acquired by communication with another device. However, Bullock et al. teaches the image captured by digital camera 118 (photography device) is stored on the memory of the notebook personal computer 100 (figure 1, column 5, lines 22-30, column 6, lines 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Bernhardt et al. by the teaching of Bullock et al. in order to provide an intuitive, object-oriented user interface to control an image capture device (column 1, lines 44-46).

Regarding claim 12, Bernhardt et al. discloses an apparatus for photographic imagery, the apparatus comprising an image display device monitor 147 (figure 6), the image display device including:

(i) a memory device having circuitry disposed therein for electronic storage and retrieval of information (system memory 122, figure 6, column 7, line 43 through column 8, line 14);

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(ii) a display device having a display panel and circuitry for electronically displaying information on the display panel (monitor 147, figure 6, column 8, line 25-28);

(iii) a display control device (processing unit 121, figure 6, column 8, lines 20-30) electronically connected to the memory device and the display device, the display control device having electronic program logic, which when information is stored in the memory device representing an image, is operable for causing display control device to retrieve the stored information and display a portion of the image (portion 40, figure 5) represented by the stored information as a main image (main image 18b, figure 5) on the display panel and range information (portion 40 on entire image 18, figure 5) indicating the portion of the image displayed relation to the entire image represented by the stored information.

Bernhardt et al. fails to specifically disclose a photography device image and producing electronic operable for receiving an optical image information representative of the optical image; and an image display device electronically connected to the photography device, and wherein said stored information is data selected from the group consisting of electronic image information outputted from said photography device and image information read from an information storage medium. However, Bullock et al. teaches the image captured by digital camera 118 (photography device) is stored on the memory of the notebook personal computer 100 (figure 1, column 5, lines 22-30, column 6, lines 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Bernhardt et al. by the teaching of Bullock et al. in order to provide an intuitive, object-oriented user interface to control an image capture device (column 1, lines 44-46).

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Regarding claim 20, claim 20 is a method claim of apparatus claim 12, therefore, see Examiner's comments regarding claim 12.

9. Claims 4, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernhardt et al. (US 6,496,208) in view of Chiba et al. (US 5,589,960).

Regarding claims 4 and 15, Bernhardt et al. fails to specifically disclose the display device comprises a transmission type dot matrix display. However, Chiba et al. discloses a liquid crystal display system, in which a dot-matrix type transmission liquid crystal display device is employed as a display means in the head-up display system (column 1, lines 15-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Bernhardt et al. by the teaching of Chiba et al. in order to provide a display sufficiently high in contrast (column 1, lines 30-34).

10. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernhardt et al. (US 6,496,208) in view Tanaka (US 5,253,338).

Regarding claim 5, Bernhardt et al. fails to specifically disclose said range information comprises a sub-image on the display panel of the entire image, superposed over a section of the main image. However, Tanaka teaches window 44 (range information) comprises auxiliary view port 46 (sub-image) displayed on display screen 40, the auxiliary view port 46 is superposed over a section of the main view port 41 (main image), see figure 5, column 7, lines 45-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Bernhardt et al. by the teaching of Tanaka in order to allow the a user

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view a main image and a section of a main image displayed on the same window at the same time.

Regarding claim 6, Tanaka discloses a border (window 44, figure 5) around the sub-image, as a boundary separating the sub-image from the main image.

Regarding claim 7, Bernhardt et al. does not disclose the display control device displays the sub-image having at least one of saturation, lightness, and hue range different from that of the main image. However, Tanaka discloses the auxiliary view port 46 superposed on main view port 41. It would have been obvious to have the hue range of these two images different from each other in order to allow the user easily recognizes a desired portion.

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bernhardt et al. (US 6,496,208) in view Ejima (US 2002/0024608).

Regarding claim 11, Bernhardt et al. fails to specifically disclose an index image in which a plurality of images are arranged in matrix format, and said electronic program logic displays as said main image, any one image of the plurality of images. However, Ejima et al. discloses an information processing apparatus, which forms the plurality of index images as shown in figures 12, 14, and can display a selected image as shown in figures 16(A)-16(D). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Bernhardt et al. by the teaching of Ejima et al. in order to display a plurality of images on the display. This allows a user can view and select a desired image to be enlarged.

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Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272 - 7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272 - 7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN
4/18/05



**LUONG T. NGUYEN
PATENT EXAMINER**